



RCRA Facility Assessments

BACKGROUND: The Hazardous and Solid Waste Amendments of 1984 (HSWA) broadened the authorities of the Resource Conservation and Recovery Act (RCRA) by requiring corrective action for releases of hazardous wastes and hazardous constituents at treatment, storage, and disposal (TSD) facilities. The goal of the corrective action process is to ensure the remediation of hazardous waste and hazardous constituent releases associated with TSD facilities. Under Section 3004(u) of RCRA, operating permits issued to TSD facilities must address corrective actions for all releases of hazardous waste and hazardous constituents from any solid waste management unit (SWMU) regardless of when the waste was placed in such unit. Under RCRA Section 3008(h), the Environmental Protection Agency (EPA) may issue administrative orders to compel corrective action at facilities authorized to operate under RCRA section 3005(e) (i.e., interim status facilities).

A "SWMU" is defined under 40 CFR 264.501 of the proposed 40 CFR Subpart S as "any discernible unit at which solid wastes have been placed at any time, irrespective of whether the unit was intended for the management of solid or hazardous waste. Such unit include any area of a facility at which soil wastes have been routinely and systematically released..." A "release" is defined in the proposed 40 CFR 254.501 as "any spilling, leaking, pouring, emitting, emptying, discharging, injecting, pumping, escaping, leaching, dumping, or disposing of hazardous wastes (including hazardous constituents) into the environment..."

The process of implementing the Corrective Action Program involves the following, in order of implementation; 1) RCRA Facility Assessment (RFA) 2) RCRA Facility investigation (RFI) 3) the Corrective Measures Study (CMS) and 4) Corrective Measures Implementation (CMI). The RFA serves to identify and evaluate SWMUs with respect to releases of hazardous wastes and hazardous constituents, and to eliminate from further consideration SWMUs that do not pose a threat to human health or the environment. This Information Brief will discuss issues concerning the RFA process.

STATUTE: The Resource Conservation and Recovery Act of 1976 and the Hazardous and Solid Waste Amendments of 1984.

REGULATIONS: Proposed 40 CFR 264 Subpart S, 55 FR 30798, July 27, 1990.

REFERENCE:

1. "RCRA Facility Assessment (RFA) Guidance," U.S. Environmental Protection Agency, OSWER Directive 9502.00-95, 1986.
2. "RCRA Corrective Actions at Federal Facilities," U.S. Environmental Protection Agency, OSWER Directive 9532.03, 1986.
3. "Implementation of RCRA Facility Assessments," U.S. Environmental Protection Agency, OSWER Directive 9502.04, 1986.
4. "RCRA Corrective Action Program Guide - Interim Guidance," U.S. Department of Energy, Office of Environmental Guidance, RCRA/CERCLA Division, Guidance Manual, DOE/EH-231, DOE/EH-0323, May, 1963.
5. "Managing the Corrective Action Program for Environmental Results: The RCRA Stabilization Effort," U.S. Environmental Protection Agency, OSWER Memorandum to Region I-X RCRA Waste Management Directors, October 25, 1991.

What is an RFA?

The RFA is the first step of the RCRA corrective action process. An RFA is conducted for facilities seeking a RCRA permit, for facilities operating or closing under interim status, and in some cases, for generators of hazardous waste that are not seeking permits or do not have interim status (e.g., facilities with a history of noncompliance with respect to generator requirements). The RFA process consists of the following four phases:

- ☐ **The Preliminary Review (PR).** The PR is an examination of existing information about a facility and its SWMUs. The information gathered during the PR is used to focus the succeeding phases of the RFA.
- ☐ **The Visual Site Inspection (VSI).** The VSI involves on-site examination of SWMUs for evidence of releases or potential releases of hazardous waste or hazardous waste constituents.

- ☐ **The Sampling Visit (SV) (optional).** Typically, EPA will not conduct or require sampling as part of an RFA; however, it is usually in the facility's best interest to conduct sampling at any SWMU at which EPA identifies an actual release or potential release of hazardous wastes or hazardous constituents. This "confirmational sampling" should be done prior to an RFI to confirm if there is or there has been a release.
- ☐ **Developing the RFA report.** The final phase of the RFA is the RFA report. Frequently, the RFA report must follow a format specified by EPA. This report presents the findings of the first three phases and makes general recommendations for further investigation.



What are the objectives of an RFA?

EPA (or a State authorized to issue permits in lieu of EPA) makes a determination whether or not releases from SWMUs to any environmental media (i.e., soil, ground water, air etc.) have occurred. The objectives of the RFA are the following:

- ❑ To identify SWMUs and collect information on actual or potential releases from them;
- ❑ To identify SWMUs that require further examination during the RFI stage of the corrective action process; and
- ❑ To screen from further investigations those SWMUs that do not pose a threat to health or the environment.

Who conducts the RFA and what is the facility's role?

The RFA typically is conducted by EPA or an authorized State to identify SWMUs and determine the likelihood of an actual release or the potential for a release of hazardous waste or hazardous constituents into the environment. However, in some instances EPA has given DOE the authority to perform the RFA at DOE facilities, usually through a Federal Facilities Compliance Agreement (FFCA).

When EPA or an authorized State conducts an RFA at a DOE facility, the facility must be an active participant. It is during the RFA that a list of SWMUs at the facility is compiled and the potential for release is determined. Therefore, it is important to clearly explain the processes and waste management practices at the facility to the regulatory agencies in order to minimize misidentification of units as SWMUs. Effective communication can have a significant effect upon the number of SWMUs EPA or the authorized State identifies for further investigation.

What information is presented in an RFA report?

There is no format for an RFA report specified in the RFA guidance or the proposed 40 CFR Part 264, Subpart S rule. However, a facility should determine whether the EPA Region or authorized State require specific formats for RFA reports submitted to them. The major RFA report sections and a brief discussion of what is included in each section is presented below:

- ❑ **Facility description** - provides an overview of the facility processes and waste management activities.
- ❑ **Environmental setting** - provides an overview of the Site conditions at the facility that are not associated with particular SWMUs.
- ❑ **Description of SWMUs** - provides unit-specific information including the unit description, dates of operation, permitted activities, wastes managed, release controls, history of releases, and the potential for release to soil, ground water, surface water, and air.
- ❑ **Description of areas of concern (AOC)** - provides a summary of any suspected releases that are not associated with SWMUs.
- ❑ **Release and exposure pathways** - includes an evaluation of 1) potential and actual releases to soil, groundwater, surface water and sediments, and air, and 2) generation of subsurface gas.
- ❑ **Conclusions and Recommendations** - includes the rationale behind the determination of a potential or actual release and whether or not further action is required.

Note: An AOC, as discussed in the RFA guidance (Reference 1), is any area of suspected release that is not associated with a SWMU (e.g., releases from production areas, or releases from units used to manage materials that are recycled).

What decisions are made based on the RFA?

For each SWMU or AOC, the findings of the RFA requires one or more of the following actions to be taken:

- ❑ Make a Determination of No Further Action under the RCRA Corrective Action Program when no evidence of release or suspected release is identified;
- ❑ Make a recommendation for an RFI to be conducted by the TSD facility owner/operator when information collected indicates that a release or potential release warrants further investigation; or
- ❑ Undertake action under another authority in cases where problems associated with permitted releases that are regulated under authority are discovered.

Note that implementation of interim measures or “stabilization of releases,” as called for in EPA’s Stabilization Initiative (discussed in Reference 5), can be recommended at any time during or following the RFA, although there may not be sufficient information prior to the VSI to make this recommendation. Interim measures are conducted at the facility whenever there may be a significant risk of immediate exposure resulting from re-leases, when action is required to prevent a release from occurring, or when further release migration may result in exposure to human populations or sensitive ecosystems. “Stabilization” activities are conducted to stabilize releases and/or to prevent or minimize the spread of contamination, and may serve as a final corrective measure. **[Update 3/99: It should be noted that if there is evidence of conditions posing an imminent and substantial endangerment to health or the environment, EPA may choose to issue an order to abate those conditions as quickly as possible under the imminent hazard provisions of Sect. 7003 of RCRA instead of Sects. 3004(u), 3004(v), or 3008(h).]**

What steps are taken after the RFA?

If the RFA indicates evidence of a potential or actual release, the facility permit will be issued (or modified) with a permit schedule of compliance requiring corrective action. If evidence of SWMU releases are noted, the regulatory agency will require the performance of an RFI to characterize the nature, extent, and rate of contaminant migration. If the RFA does not reveal evidence of a release or potential release, the owner/operator may request a Class 3 final modification to the permit, thus ending the RCRA corrective action process [proposed 40 CFR 264.514(a)]. Also, EPA may compel implementation of interim measures to stabilize releases in response to immediate threats, such as contamination of drinking water supplies [proposed 40 CFR 264.540(c)].

Questions of policy or questions requiring policy decisions will not be dealt with in EH-231 Information Briefs unless that policy has already been established through appropriate documentation. Please refer any questions concerning the subject material covered in this Information Brief to Jerry Coalgate, RCRA/CERCLA Division, EH-231, (202) 586-6075.

